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September 4, 1964

Mrs. Albert D. Lasker
c/o Ritz Hotel
15 Place Vendome
Paris
FRANCE

Dear Mary:

We finally won the battle about the cancer contract program and its specific review by the National Cancer Advisory Council. I enclose that section of Mr. Fogarty's remarks on the conference report which indicate his very clear and strong feelings on the subject.

The really important point in the whole business is that the NIH fought this specific language all the way. A brief chronology will point out some of the roadblocks which had to be hurdled:

1. Due to illness, Senator Hill was not at the full Senate Appropriations Committee mark-up. Dr. Endicott had gotten to Mr. Downey so that the language Hill had agreed to on research contracts was "inadvertently" dropped from the Senate report. This caused me considerable difficulty in dealing with Mr. Fogarty, since John kept bringing up the point that the contract language was in the Senate report a year ago but not in it this year.

2. When the House-Senate conferees met on Wednesday, September 2nd, Mr. Fogarty presented strong language on Council review of research contracts for inclusion in the conference report. Mr. Laird immediately objected, pointing out that he had talked to Dr. Endicott and that Endicott had assured him that all contract plans were being reviewed by the Council. Since Senator Hill was not able to be at the conference meeting, Fogarty had no support on the Senate side and he had to drop the language.

3. After the conference meeting, Fogarty was understandably ready to drop the whole matter, but I made one final attempt. I suggested that he request Dr. Shannon to spell out just how these research contracts were being reviewed. Shannon was still on vacation, so Dr. Sessoms provided the information. I enclose a copy of his letter because it really gave me

** Sen. Hill will be operated today in Birmingham for prostate condition.*

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Purpose: Through a broad educational campaign, to create public understanding and support of the 10-Point Bill of Rights for the mentally ill adopted by the 1954 National Governor's Conference on Mental Health. To convince the American people to actively support federal, state and local preventive mental health programs emphasizing research, training and expanded clinic and community services designed to treat and cure mental illness in its early stages.

page two

the opening I needed. On page two it claimed that program plans for research contracts were reviewed by the Council, but it made no claim as to individual contract proposals. Fogarty and I now agreed that we had some ammunition to take to Mr. Laird.

4. Thursday, September 3rd, was an unbelievable day of marching up the Hill and down again, until the language was finally agreed upon. On the basis of the Sessoms letter, I drew up some revised cancer contract language for the conference report. The most important part of the language was the last sentence which requires the National Cancer Institute to make a report on the review of research contracts after each meeting of the Council during fiscal 1965. Fogarty thought this was a little strong, but I argued that it was the essence of the proposal. Fogarty then called Bob Moyer in and he objected to the last sentence. More argument and then Moyer suggested that Dr. Shannon, who had come back to town, be checked on the whole matter. Shannon had been trying to get Fogarty all day and it turned out that this was the matter he wanted to discuss with him. Fogarty then talked to Shannon on the phone and Shannon argued vehemently against the research contract language we proposed. He contended that the law we cited covered only research grants and that the legal counsel of HEW had given his opinion that research contracts would not have to follow the same procedure. Fogarty wasn't impressed with the argument, but we had one more hurdle -- Mr. Laird.


5. Mr. Fogarty invited Mr. Laird over to his office for a drink about 6 p.m. After some pleasant, irrelevant conversation, he casually handed Laird a copy of the revised research contract language. Mr. Laird said he could not buy it, and he referred to the positions of both Drs. Endicott and Shannon on the matter. Fogarty then began to work him over very skillfully, while supplying him with appropriate alcoholic refreshments. Finally, a little after 8 p.m., Laird said he had to go home and, weary of the whole argument, he said it was all right for Mr. Fogarty to include the suggested research contract language.

I review this chronology in detail for only one reason -- it is an extraordinarily vivid illustration of the kind of battle we have to conduct to get the NIH to merely do what the Congress wants it to do. The arrogance of Endicott and Shannon is truly amazing in this little episode, and that very arrogance finally turned Mr. Fogarty against them. This is one positive dividend of the 48 hours of agony and suspense -- Mr. Fogarty will now take a much harder look at the way Congressional directives are implemented.

It really all adds up to what we have been saying for a long time -- we need new leadership topside at HEW which will see ~~that will see~~ that the NIH carries out the directives of the Executive and Legislative branches.

One final note: Dr. Farber and you now have, in this research contract language, a real club over Dr. Endicott's head. I suggest that you use it freely and with great abandon.

Cordially,



Mike Gorman

Encls.